

LOCAL GOVERNMENT RECORDS COMMITTEE STATE OF MONTANA



Updated 10/20/05

TO: All Local Government Officials

FROM: State Local Government Records Committee (LGRC)

Kay Johnson, Chairperson, Blaine County District Court Clerk;
Bonnie Ramey, Vice Chairperson, Jefferson County Clerk and Recorder;
Peggy Bourne, member, Great Falls City Clerk/Records Manager;
Marcia Porter, member, Missoula County Records Management;
Patti Borsberry, member, Records Management Bureau;
Terry Atwood, member, Citizen representing Montana State Genealogical Society
Jodie Foley, acting subcommittee member, Montana State Archives;
Lorin E. Flesjer, subcommittee member, Local Government Service Bureau.

RE: An explanation and compliance procedure for destruction of local government records.

Section 2-6-405, MCA, requires local governments to give a 180 day notice to entities desiring public records before destroying any record that is 10 years or older. The law prioritized the entities in order of consideration as: the Montana Historical Society/State Archives; Montana public and private universities and colleges; local historical museums; local historical societies; Montana genealogical groups; and the general public. If records are not claimed after 180 days, they may be destroyed.

The Local Government Records Committee as authorized by MCA 2-6-405, established procedures for local governments to use when complying with MCA 2-6-405. These procedures are easy to use, and are an efficient way to meet these new requirements.

In compliance with MCA 2-6-405 (d), this committee has established the following procedures:

Step 1: All County, City/Town and other local governments must send in a Request and Authorization for Records Disposal Destruction form regardless of whether they are 10 years old or older.

School Districts are not required to get approval from the Records Disposal Committee if their records are less than 10 years old but must fill out the form and have it approved by the board of trustees before destroying any records if the records are listed in the local government records schedule. If the **records are not listed in the schedule** they must fill out the destruction form, have it approved by the trustees and send it into the records committee. If the **records are 10 years old or older they must fill out a destruction form**, approved by the chairman of the board of trustees and send it into the committee for approval and wait the 180 day period before destroying or transferring the records to a entity requesting the records.

Indicate whether or not the record series are "confidential or private" records.

Step 2: Send the Request and Authorization for Records Disposal or Destruction form to one of the following:

Jodie Foley (Montana State Archives, P.O. Box 201201, Helena, MT, 59620-1201-Phone- 444-7482)

or

Lorin Flesjer (Local Government Services Bureau, P.O. Box 200547, Helena, MT 59620-0547-Phone - 841-2909).

If the form lists record series that are subject to the provisions of MCA 2-6-405, Lorin and/or Molly will forward the form to Patti Borsberry, Records Manager for the State of Montana. Patti will send a notice to all entities expressing an interest in knowing what older records are to be destroyed, via an Internet list serve. This is the only notice that is required when complying with MCA 2-6-405. The 180-day period begins the day Patti posts the information on the Internet list serve. Local governments are encouraged to subscribe to the list serve by sending an e-mail message to the following address:

join-recordsdisposal@lists.state.mt.us.

Step 3: During this 180-day period the local government may be contacted by an entity expressing an interest in the records. If contacted during this 180-day period, the local government must decide which entity to transfer the records to. The entity requesting the records is required to pay all costs associated with the transfer. It is recommended that Local Governments adopt a resolution outlining the criteria to be used when deciding which entity will be granted the records. The entities in order of consideration are: the Montana Historical Society/ State Archives, Montana public and private universities and colleges, local historical museums, local historical societies, Montana genealogical groups and the general public.

We hope this 3-step approach to meeting the requirements of MCA 2-6-405 will assist your entity with meeting the new requirements.

If you have any questions regarding this new procedure, please contact anyone on the Local Government Records Committee.

Committee Members

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Patti Borsberry Records Management Bureau 1320 Bozeman St. P.O. Box 202805 Helena, MT 59620-2805 phone: 406-444-2716 fax: 406-444-9002 e-mail: pborsberry@mt.gov	Jodie Foley, acting Montana State Archives 225 N. Roberts St. P.O. Box 201201 Helena, MT 59620-1201 phone: 406-444-7482 fax: 406-444-5297 e-mail: jofoley@mt.gov	Marcia Porter Vice-Chair Missoula County Records Management 200 W. Broadway Missoula, MT 59802 phone: 406-721-5700 ext. 3457 fax: 406-523-2910 e-mail: mporter@co.missoula.mt.us
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